

Appl. No. 09/973,285
Amdt. Dated July 26, 2005
Reply to Office Action of August 1, 2003

•• REMARKS/ARGUMENTS ••

The present Preliminary Amendment is being filed together with a Request for Continued Examination (RCE).

By the present Preliminary Amendment, the claims have been changed to recite "coreless" inductance coils.

Support for this change to the claims can be readily found in the drawings, particularly Fig. 4.

Entry of this change to the claims is respectfully requested.

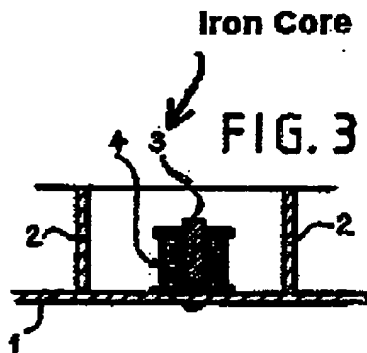
In the Office Action of August 1, 2003 the Examiner rejected claims 1-3, 5 and 8-11 under 35 U.S.C. §102(b) as being anticipated by UK Patent Application No. 2,086,243 to Fuscone et al.

Claims 4, 6, 14 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fuscone et al.

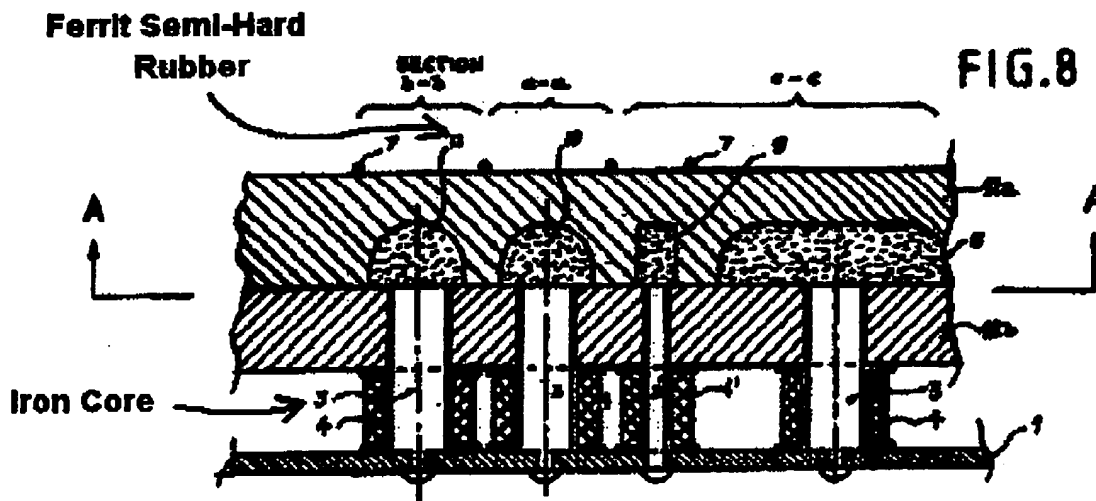
Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Fuscone et al. in view of U.S. Patent No. 4,768,789 to Clark.

Fuscone et al. teaches the use of "sensors" that include iron cores 3 that are surrounded by coils 4 as shown in Fig. 3 which is presented here:

Appl. No. 09/973,285
 Amdt. Dated July 26, 2005
 Reply to Office Action of August 1, 2003



In the embodiment of Fuscone et al. shown in Fig. 8, in addition to cores 3, the dart board is also provided with areas of "a ferrite semi-hard rubber" substance as follows:



Appl. No. 09/973,285
Amdt. Dated July 26, 2005
Reply to Office Action of August 1, 2003

Fuscone et al. requires the iron cores to ensure that magnetic flux is generated within coils 4. Accordingly, following the teachings of Fuscone et al. the iron cores are required and it would destroy the teachings of Fuscone et al. to eliminate the cores.

Under the Board of Patent Appeals' holding in *Ex parte Hartmann*:

References cannot properly be combined if effect would destroy invention on which one of reference patents is based. *Ex parte Hartmann*, 186 USPQ 366 (PTO Bd App 1974).

Because applicant uses coreless inductance coils, the tips of the darts are allowed to pass through applicant's inductance coils as shown in Figs. 5 and 6 as follows:

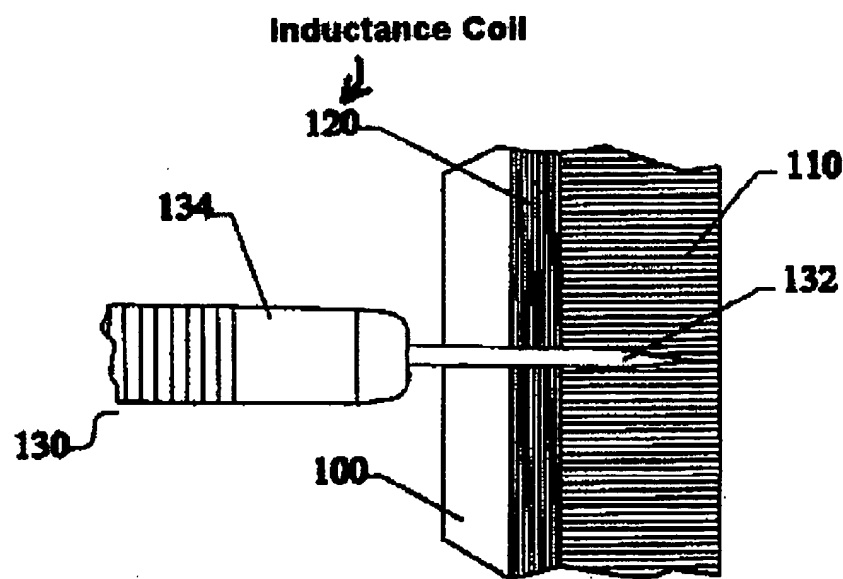


FIG. 5

Appl. No. 09/973,285
Amtd. Dated July 26, 2005
Reply to Office Action of August 1, 2003

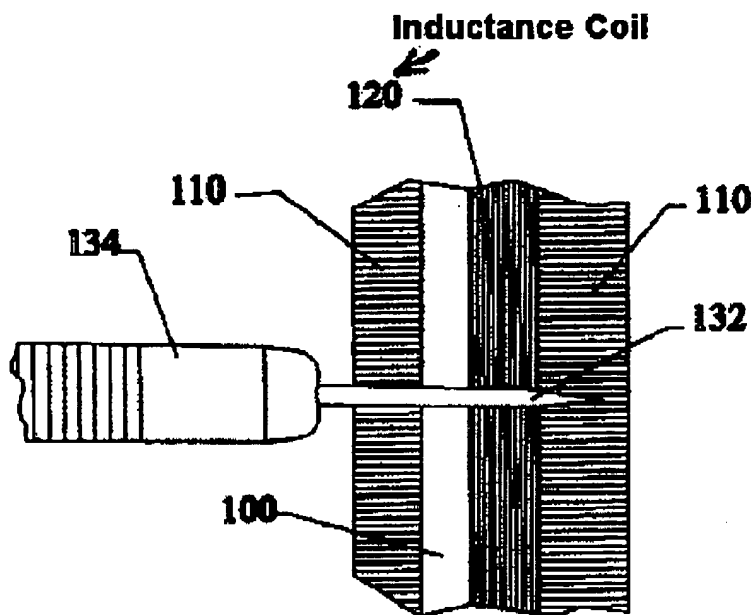


FIG.6

The magnetic substance included in the darts in applicant's invention creates the magnetic flux within the inductance coils thereby generating a scoring signal.

The iron cores of Fuscone et al. prevent the tips of the darts from passing through the sensors (coils 4).

Accordingly, it can be appreciated that the present invention is both structurally and functional different and distinct from Fuscone et al.

Entry of the present Preliminary Amendment prior to continuing the examination of the application is requested.

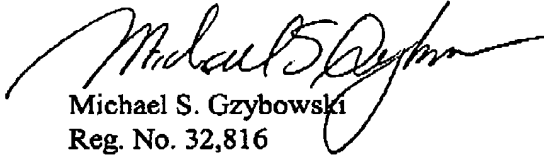
Appl. No. 09/973,285
Amdt. Dated July 26, 2005
Reply to Office Action of August 1, 2003

It is believed that the above represents a complete response to the outstanding Official Action and reconsideration is requested.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicant's patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



Michael S. Gzybowski
Reg. No. 32,816

BUTZEL LONG
350 South Main Street
Suite 300
Ann Arbor, Michigan 48104
(734) 995-3110

131283.1